STATE OF VERMONT

HUMAN SERVICES BOARD

In re)	Fair	Hearing	No.	21,090
)				
Appeal of)				

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Health Access Eligibility Unit (HAEU), terminating payment for her Medicare premiums under the Medicaid Program. The issue is whether the Department correctly calculated the petitioner's income in light of the pertinent regulations.

FINDINGS OF FACT

- 1. In a decision dated October 24, 2007 the Department determined that the petitioner receives Social Security benefits in the amount of \$1,054 per month and a retirement check of \$426 a month, for a total of \$1,484.
- 2. The Department had been paying the petitioner's Medicare premium through Medicaid, but determined that they had erred in making payments. After discovering their error, the Department determined that petitioner's income was above the program maximums for Medicaid payment of any of her Medicare premiums. The Department sent petitioner a notice

in August 20, 2007 terminating her eligibility for the Medicare Savings program.

- 3. A fair hearing was held on October 29, 2007. In the time that her hearing was pending the Department had sent the petitioner conflicting notices regarding the source of her income. However, as of the date of the hearing the petitioner did not dispute the income sources (Social Security and retirement) determined by the Department. The petitioner (whose benefits have continued pending the hearing) was advised to reapply if she disputes the amount of income determined by the Department.
- 4. In determining the petitioner's eligibility for the Medicare Savings program the Department applied a \$20 disregard leaving countable unearned income of \$1,464 per month, which is in excess of the monthly program maximum of \$1,149 for a household of one.

ORDER

The Department's decision is affirmed.

REASONS

Under the Medicaid regulations, the Department can pay for all or some of an individual's Medicare premiums if certain criteria are met. M200.4. For non-working

individuals, income cannot exceed 135 percent of the federal poverty level, \$1,149 per month, to qualify for any payment. M200.44, P-2420B(2).

The Department correctly calculated the petitioner's countable income during review of her case and found that petitioner's countable income exceeded the program maximum. Thus, the Department was correct in terminating payment for the Medicare premium. As a result, the Department's decision must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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